AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. (*Currently Amended*) A shaping method for use by a shaper ~~(S)~~ in a communication network to convert an incoming data flow ~~(IN)~~ with an incoming data packet rate ~~(R-IN)~~ into an outgoing data flow ~~(OUT)~~ with an adaptive outgoing data packet rate ~~(R-OUT)~~, said shaping method comprising: ~~including the steps of~~

buffering, with a buffer ~~(BUF)~~ of said shaper ~~(S)~~, data packets of said incoming data flow ~~(IN)~~ and generating thereby buffered data packets; ~~and~~

determining by a first determiner ~~(DET1)~~ of said shaper ~~(S)~~ a leaking time moment ~~(P-rel)~~ for a buffered data packet ~~(P)~~ of said buffered data packets, said leaking time moment ~~(P-rel)~~ being a time moment at which said buffered data packet ~~(P)~~ must be leaked by said buffer ~~(BUF)~~ and that determines thereby said adaptive outgoing data packet rate ~~(R-OUT)~~, said step of determining said leaking time moment ~~(P-rel)~~ being realized as a function of traffic contract parameters ~~(PCR; MCR)~~ related to said incoming data flow; ~~(IN),~~ **characterized** ~~in that said method further comprises the steps of:~~

receiving status information ~~(STAT)~~ of a marker ~~(M)~~ which is downstream coupled to said shaper ~~(S)~~;

determining a conform time moment ~~(P-conf)~~ according to said status information ~~(STAT)~~ and according to a predefined drop priority, said conform time moment ~~(P-conf)~~ being a

time moment at which, in the event of leaking said data packet ~~(P)~~ by said buffer at said conform time moment ~~(P-conf)~~, said buffered data packet ~~(P)~~ receives from said marker, upon reception, said predefined drop priority; and

comparing said conform time moment ~~(P-conf)~~ with said leaking time moment ~~(P-rel)~~; and in the event when said conform time moment ~~(P-conf)~~ is earlier than said leaking time moment ~~(P-rel)~~, giving said leaking time moment ~~(P-rel)~~ the value of said conform time moment ~~(P-conf)~~ in order to leak said buffered data packet ~~(P)~~ at that time moment.

2. (*Currently Amended*) The shaping method according to claim 1, wherein ~~characterized by determining~~ said conform time moment ~~(P-conf)~~ according to a drop priority assigned to said buffered data packet ~~(P)~~.

3. (*Currently Amended*) The shaping method according to claim 1, wherein ~~characterized in that~~ in the event that said conform time moment ~~(P-conf)~~ is later than said leaking time moment ~~(P-rel)~~, retaining by said comparing means ~~(COMP)~~ the value of said leaking time moment ~~(P-rel)~~ in order to leak said buffered data packet ~~(P)~~ at that time moment.

4. (*Currently Amended*) The shaping method according to claim 1, wherein ~~characterized in that~~ in the event that said conform time moment ~~(P-conf)~~ is later than said leaking time moment ~~(P-rel)~~, leaking said buffered data packet ~~(P)~~ substantially immediately.

5. (*Currently Amended*) The shaping method according to claim 1, wherein ~~characterized in~~ that in the event that said conform time moment ~~(P-conf)~~ is later than said leaking time moment ~~(P-rel)~~, said comparing means ~~(COMP)~~ gives said leaking time moment ~~(P-rel)~~ the value of a second conform time moment ~~(P-conf')~~ in order to leak said buffered data packet ~~(P)~~ at that second time moment, said second conform time moment ~~(P-conf')~~ being determined according to said status information ~~(STAT)~~ and according to a second drop priority and being earlier than said leaking time moment ~~(P-rel)~~.

6. (*Currently Amended*) A shaper ~~(S)~~ for use in a communication network to convert an incoming data flow ~~(IN)~~ with an incoming data packet rate ~~(R-IN)~~ into an outgoing data flow ~~(OUT)~~ with an adaptive outgoing data packet rate ~~(R-OUT)~~, said shaper ~~(S)~~ comprising:

a buffer ~~(BUF)~~ to buffer data packets of said incoming data flow ~~(IN)~~ and to generate thereby buffered data packets; ~~and~~

a first determiner ~~(DET1)~~ to determine a leaking time moment ~~(P-rel)~~ for one of said buffered data packets at which said buffered data packet ~~(P)~~ must be leaked by said buffer ~~(BUF)~~ and to determine therewith said adaptive outgoing data packet rate ~~(R-OUT)~~, said first determiner ~~(DET1)~~ being enabled to determine said leaking time moment ~~(P-rel)~~ as a function of traffic contract parameters ~~(PCR; MCR)~~ being related to said incoming data flow; ~~(IN),~~ ~~characterized in that said shaper (S) further comprises:~~

a second determiner ~~(DET2)~~ receiving status information ~~(STAT)~~ of a marker ~~(M)~~ which is downstream coupled to said shaper ~~(S)~~ and determining a conform time moment ~~(P-conf)~~

according to said status information ~~(STAT)~~ for said buffered data packet ~~(P)~~, said conform time moment ~~(P-conf)~~ being a time moment at which, in the event of leaking said buffered data packet ~~(P)~~ by said buffer at said conform time moment ~~(P-conf)~~, said buffered data packet ~~(P)~~ receives upon reception from said marker ~~(M)~~ a predefined drop priority; and

a comparer ~~(COMP)~~ coupled between said first determiner ~~(DET1)~~, said second determiner ~~(DET2)~~ and said buffer ~~(BUF)~~ and comparing said conform time moment ~~(P-conf)~~ with said leaking time moment ~~(P-rel)~~ and, in the event that said conform time moment ~~(P1-conf)~~ is earlier than said leaking time moment ~~(P-rel)~~, giving said leaking time moment the value of said conform time moment ~~(P-conf)~~ in order to leak said buffered data packet ~~(P)~~ at that time moment.

7. (*Currently Amended*) A marker ~~(M)~~ for use in a communication network upstream coupled to a shaper ~~(S)~~, wherein ~~characterized in that~~ said shaper ~~(S)~~ is a shaper according to claim 6 and that said marker ~~(M)~~ comprises a retriever ~~(RET)~~ retrieving from said marker ~~(M)~~ status information ~~(STAT)~~ and transmitting said status information ~~(STAT)~~ to said shaper ~~(S)~~.

8. (*Currently Amended*) A telecommunication network, comprising at least a shaper ~~(S)~~ according to claim 6.

9. (*Currently Amended*) A telecommunication network, comprising at least a marker ~~(M)~~ according to claim 7.